



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

DMP:AAS/RMP/MAA
F. #2017R05903

*271 Cadman Plaza East
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July 12, 2024

By ECF and E-mail

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Re: United States v. Huawei Technologies Co., Ltd., et al.
Criminal Docket No. 18-457 (S-3) (AMD)

Dear Counsel:

In light of the scheduled trial date of January 5, 2026, and so as not to cause any unnecessary delay of that trial, the government writes to request that the defendants promptly seek all appropriate authorizations under the laws and regulations of the People's Republic of China ("PRC") for any potential PRC evidence or witness testimony that the defendants may seek to introduce at trial in the above-referenced case.

As background, the government anticipates that the defendants may assert that they are required to comply with various PRC laws and regulations (e.g., International Criminal Judicial Assistance Law; Law on Guarding State Secrets; Data Security Law; Personal Information Protection Law; Cybersecurity Law; Anti-Foreign Sanctions Law; Rules on Counteracting Unjustified Extra-territorial Application of Foreign Legislation and Other Measures; Provisions on the Unreliable Entity List) in order to use potential PRC evidence and witness testimony in the

United States, including with respect to sharing such evidence with the government in advance of trial.¹

The government understands that obtaining approvals from the PRC government may take significant time. Indeed, as noted in your recent brief, in United States v. Fujian Jinhua Integrated Circuit Co., Ltd. et al., No. 18-CR-465 (N.D. Cal.), it took more than a year for Jinhua to obtain certain such approvals. (See Dkt. No. 430 at 5.) That prolonged process – largely due to Jinhua’s lack of diligence – resulted in considerable and avoidable delays to the Jinhua trial.

Accordingly, the government requests that the defendants promptly seek all appropriate authorizations under PRC law and regulations in order to avoid such potential delays in this case. The government also requests that, to the extent deemed necessary, the defendants seek specific authorization to provide unredacted versions of any potential evidence in native format (i.e., in the format in which the documents were created) with all accompanying metadata.

Very truly yours,

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¹ See also U.S. Dep’t of State, Preparation of Letters Rogatory, <https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/international-judicial-assistance/obtaining-evidence/Preparation-Letters-Rogatory.html> (last visited July 12, 2024).

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